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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MARGARET AMARO et al.,  
Plaintiffs,

vs.

ELI LILLY AND COMPANY; and  
McKESSON CORPORATION,  
Defendants.

CASE NO: 3:06-cv-01355-JCS

**REQUEST TO CONTINUE CASE  
MANAGEMENT CONFERENCE AND  
[PROPOSED] ORDER**

Hon. Joseph C. Spero

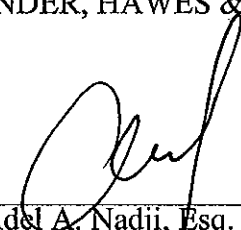
1 Plaintiffs request that the June 23, 2006, Case Management Conference ("CMC") be  
2 continued to August 25, 2006, at 1:30 p.m. Defendants submitted a "Tag-Along Notice" to the  
3 Judicial Panel on Multidistrict Litigation ("JPML"), advising the JPML that this case should be  
4 transferred to Multidistrict Litigation Proceeding No. 1596 - In re Zyprexa Products Liability  
5 Litigation, in the Eastern District of New York.

6 This case has been entered into the Eastern District of New York and is in the process of  
7 transfer. (True and correct copies of the JPML letter and CTO-47 as entered in the Eastern  
8 District of New York are attached as Exhibits "A" and "B"). Plaintiffs expect the JPML to send  
9 a copy of the Transfer Order to the Northern District of California shortly.

10 In short, because transfer of this action is imminent, there is no need for a CMC on June,  
11 23, 2006. Accordingly, Plaintiffs request a continuance until August 25, 2006, by which time  
12 this case will most likely have been transferred to the MDL, and closed in the Northern District  
13 of California.

14 DATED: June 13, 2006


ALEXANDER, HAWES & AUDET, LLP

15  
16  
17 By   
18 Adel A. Nadji, Esq.  
19 Attorney for Plaintiffs

20  
21 **ORDER**

22 Having considered the forgoing and good cause appearing therefore, IT IS SO  
23 ORDERED that this action is continued to August 25, 2006 at 1:30 p.m., pending transfer of this  
24 case to In re Zyprexa Products Liability Litigation, MDL No. 1596. The CMC scheduled for  
25 June 23, 2006, is now off calendar.

26 DATED: June 14, 2006

27 Hon. JC  
28 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
  
JUDGE

**PROOF OF SERVICE**  
**NORTHERN DISTRICT OF CALIFORNIA COUNTY OF SAN FRANCISCO**

I am employed in the County of San Francisco, State of California; my business address is, 221 Main Street, Suite 1460, San Francisco CA 94105; I am over the age of 18 and not a party to the within action. On this date I served the following document(s):

**Plaintiffs' Request to Continue Case Management Conference  
and [Proposed] Order**

on the interested parties in this action addressed as follows:

Eli Lilly and Company  
C/O :  
Timothy W. Castor  
Pepper Hamilton, LLP  
3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19102-2799

☐ (BY FAX) I am readily familiar with the firm's practice of facsimile transmission; on this date the above-referenced documents were transmitted, the transmission was reported as complete and without error and the report was properly issued.

☒ (BY MAIL) I am readily familiar with the firm's practice for the processing of mail; on this date, the above-referenced documents were placed for collection and delivery by the U.S. Postal Service following ordinary business practices.

☐ (BY OVERNIGHT DELIVERY) I am readily familiar with the firm's practice for the processing of documents for delivery services; on this date, the above-referenced documents were placed for collection and delivery following ordinary business practices.

☐ (BY ELECTRONIC FILING) On this date I provided the documents(s) listed above electronically through the Court's electronic filing service provider pursuant to the instructions on that website.

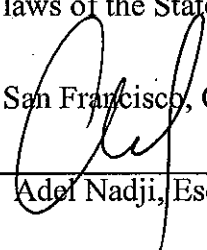
☐ (BY E-MAIL) On this date, the above-referenced documents were converted to Adobe files and e-mailed to the addresses shown.

☐ (BY PERSONAL SERVICE) I caused the above documents to be delivered by hand pursuant to CCP § 1011.

☒ Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

☐ State: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed this 13th day of June, 2006, at San Francisco, California.

  
\_\_\_\_\_  
Adel Nadji, Esq.

# **Exhibit A**

**Exhibit A**

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

May 2, 2006

Robert C. Heinemann, Clerk  
130 United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201-1818

**FILED**  
**IN CLERK'S OFFICE**  
**U.S. DISTRICT COURT E.D.N.Y.**  
★ MAY 26 2006 ★

Re: MDL-1596 -- In re Zyprexa Products Liability Litigation

(See Attached Schedule of CTO-4)

Dear Mr. Heinemann:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on April 14, 2006. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
Clerk of the Panel

By Mecca S. Carter  
Mecca S. Carter  
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Jack B. Weinstein  
Transferor Judges: (See Attached List of Judges)  
Transferor Clerks: (See Attached List of Clerks)

JPML Form 36

DOCKET NO. 1596  
IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION

Samuel J. Abate, Jr. McCarter & English, L.L.P. 245 Park Avenue, 27th Floor New York, NY 10167	John J. Driscoll Brown & Crouppen, PC 720 Olive Street, Suite 1800 St. Louis, MO 63101-2302	Rhett A. McSweeney McSweeney & Fay, PLLP 2116 Second Avenue, South Minneapolis, MN 55404
Bill Arnold Law Office of Patrick J. Mulligan, P.C. 2911 Turtle Creek Boulevard Suite 900 Dallas, TX 75219	Kenneth T. Fibich Fibich, Hampton & Leebron, LLP 1401 McKinney Suite 1800 Houston, TX 77010	James Michael Moore Guerra & Moore 4201 North McColl Road McAllen, TX 78504
Floyd Kenneth Bailey Bailey Perrin Bailey, LLP The Lyric Center 440 Louisiana Street, Suite 2100 Houston, TX 77002	Andrew G. Finkelstein Finkelstein & Partners, LLP 436 Robinson Avenue Newburgh, NY 12550	Adel Nadji Alexander, Hawes & Audet, LLP 221 Main Street Suite 1460 San Francisco, CA 94105
Lee B. Balefsky Kline & Specter 1525 Locust Street, 19th Floor Philadelphia, PA 19102	W. Lewis Garrison, Jr. Heninger Garrison & Davis, LLC 2224 First Avenue North P.O. Box 11310 Birmingham, AL 35203-1310	James Mark Neudecker Reed Smith, LLP 1999 Harrison Street 26th Floor Oakland, CA 94612-3572
Gilbert N. Beckemeier, Jr. Sandberg Phoenix & von Gontard, P.C. One City Centre 515 North Sixth Street, 15th Floor St. Louis, MO 63101-1880	Nina M. Gussack Pepper, Hamilton, LLP 3000 Two Logan Square 18th & Arch Street Philadelphia, PA 19103-2799	Jeffrey D. Schreiber Phillips & Associates 3030 North Third Street Suite 1100 Phoenix, AZ 85012
William J. Bethune Pepper Hamilton, LLP 600 14th Street, N.W. Washington, DC 20005	Todd S. Hageman Simon & Passanante, P.C. 701 Market Street Suite 1450 St. Louis, MO 63101	Andrew Bruce See Shook, Hardy & Bacon, LLP 2555 Grand Boulevard Kansas City, MO 64108-2613
William David Breit Joynes & Gaides Law Group P.C. 564 Lynnhaven Pkwy Virginia Beach, VA 23452	Robert K. Jenner Janet, Jenner & Suggs, LLC 1829 Reistertown Road Suite 320 Baltimore, MD 21208	Christopher A. Seeger Seeger Weiss, LLP 550 Broad Street Suite 920 Newark, NJ 07102
Thomas F. Campion, Jr. Drinker, Biddle & Reath, L.L.P. 500 Campus Drive Florham Park, NJ 07932-1047	Gerald S. Leeseberg Leeseberg & Valentine Penthouse One 175 South Third Street Columbus, OH 43215	Jeffrey M. Tillotson Lynn, Tillotson & Pinker, LLP 750 N. St. Paul Street Suite 1400 Dallas, TX 75201
David J. Cutshaw Cohen & Malad, LLP One Indiana Square, Suite 1400 Indianapolis, IN 46204	Allison Long Silverman & Fodera 1835 Market Street Eleven Penn Center Suite 2600 Philadelphia, PA 19103-2968	Justin Kurt Truelove Patton, Tidwell & Schroeder P.O. Box 5398 4605 Texas Boulevard Texarkana, TX 75505-5398
Timothy C. Davis Heninger, Burge, Vargo & Davis 2224 First Avenue North P.O. Box 11310 Birmingham, AL 35205	Alan Daniel Mathis Johnston Barton Proctor & Powell LLP 2900 AmSouth/Harbert Plaza 1901 6th Avenue North Birmingham, AL 35203-2618	Peter M. Villari Villari, Ostroff, Kusturiss, Brandes & Kline, P.C. 161 Washington Street 8 Tower Bridge, 4th Floor Conshohocken, PA 19428
Annesley H. DeGaris Cory, Watson, Crowder & DeGaris, PC 2131 Magnolia Avenue P.O. Box 55927 Birmingham, AL 35205-5972		

**INVOLVED JUDGES LIST (CTO-47)**  
**DOCKET NO. 1596**  
**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

Hon. William M. Acker, Jr.  
Senior U.S. District Judge  
481 Hugo L. Black U.S. Courthouse  
1729 5th Avenue, North  
Birmingham, AL 35203-0065

Hon. Harvey Bartle III  
Chief Judge, U.S. District Court  
16614 James A. Byrne U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1797

Hon. Michael M. Baylson  
U.S. District Judge  
3810 James A. Byrne U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1796

Hon. Sharon Lovelace Blackburn  
U.S. District Judge  
730 Hugo L. Black U.S. Courthouse  
1729 5th Avenue North  
Birmingham, AL 35203

Hon. Ronald L. Buckwalter  
Senior U.S. District Judge  
14614 James A. Byrne U.S.  
Courthouse  
601 Market Street  
Philadelphia, PA 19106-1797

Hon. Maxine M. Chesney  
U.S. District Judge  
Phillip Burton U.S. Courthouse  
19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102-3434

Hon. L. Scott Coogler  
U.S. District Judge  
786 Hugo L. Black U.S. Courthouse  
1729 Fifth Avenue North  
Birmingham, AL 35203-2000

Hon. Stewart Dalzell  
U.S. District Judge  
5614 James A. Byrne U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Hon. Legrome D. Davis  
U.S. District Judge  
2609 James A. Bryne U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Hon. Leonard E. Davis  
U.S. District Judge  
United States District Court  
106 Federal Building  
211 West Ferguson Street  
Tyler, TX 75702

Hon. Paul S. Diamond  
U.S. District Judge  
United States District Court  
17613 James A. Byrne U. S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1797

Hon. Robert G. Doumar  
Senior U.S. District Judge  
Walter E. Hoffman U.S. Courthouse  
Room 183  
600 Granby Street  
Norfolk, VA 23510

Hon. David Folsom  
U.S. District Judge  
309 U.S. Courthouse & Post Office  
500 N. State Line Avenue  
Texarkana, TX 71854-5957

Hon. David F. Hamilton  
U.S. District Judge  
330 Birch Bayh Federal Building  
& U.S. Courthouse  
46 East Ohio Street  
Indianapolis, IN 46204

Hon. Phyllis J. Hamilton  
U.S. District Judge  
Phillip Burton U.S. Courthouse  
450 Golden Gate Avenue  
Box 36060  
San Francisco, CA 94102-3489

Hon. William Q. Hayes  
U.S. District Judge  
4 Edward J. Schwartz U.S. Courthouse  
940 Front Street  
San Diego, CA 92101

INVOLVED JUDGES LIST (CTO-47) MDL-1596

PAGE 2 OF 2

Hon. Thelton E. Henderson  
Senior U.S. District Judge  
19-5356 Phillip Burton U.S. Courthouse  
450 Golden Gate Avenue  
San Francisco, CA 94102-3489

Hon. Joseph C. Spero  
U.S. Magistrate Judge  
Philip Burton U.S. Courthouse  
Box 36060  
450 Golden Gate Avenue  
San Francisco, CA 94102-3489

Hon. Ricardo H. Hinojosa  
U.S. District Judge  
1701 W. Business Highway 83  
Bentsen Tower  
Suite 1028  
McAllen, TX 78502

Hon. William D. Stiehl  
Senior U.S. District Judge  
P.O. Box 249  
E. St. Louis, IL 62202

Hon. John D. Holschuh  
Senior U.S. District Judge  
109 Joseph P. Kinneary  
U.S. Courthouse  
85 Marconi Boulevard  
Columbus, OH 43215

Hon. Virginia Emerson Hopkins  
U.S. District Judge  
U.S. District Court  
619 Hugo L. Black U.S. Courthouse  
1729 Fifth Avenue, North  
Birmingham, AL 35203

Hon. Richard H. Kyle  
Senior U.S. District Judge  
760 Warren E. Burger Federal Bldg.  
316 N. Robert Street  
St. Paul, MN 55101

Hon. Nancette K. Laughrey  
U.S. District Judge  
7452 Charles E. Whittaker  
U.S. Courthouse  
400 East 9th Street  
Kansas City, MO 64106

Hon. Marilyn Hall Patel  
U.S. District Judge  
Phillip Burton U.S. Courthouse  
Box 36060  
450 Golden Gate Avenue  
San Francisco, CA 94102-3661

Hon. Gene E.K. Pratter  
U.S. District Judge  
United States District Court  
5118 James A. Byrne U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1796

Hon. C. Lynwood Smith, Jr.  
U.S. District Judge  
207 U.S. Post Office & Courthouse  
101 Holmes Avenue, N.E.  
Huntsville, AL 35801

**INVOLVED CLERKS LIST (CTO-47)**  
**DOCKET NO. 1596**  
**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

David J. Maland, Clerk  
100 East Houston Street  
#125  
Marshall, TX 75670-4144

David J. Maland, Clerk  
U.S. District Court  
301 U.S. Courthouse and Post Office Building  
500 North State Line Avenue  
Texarkana, TX 75501

Fernando Galindo, Acting Clerk  
193 Walter E. Hoffman U.S. Courthouse  
600 Granby Street  
Norfolk, VA 23510-1915

James Bonini, Clerk  
260 Joseph P. Kinneary U.S. Courthouse  
85 Marconi Boulevard  
Columbus, OH 43215

Laura A. Briggs, Clerk  
105 Birch Bayh Federal Building  
& U.S. Courthouse  
46 East Ohio Street  
Indianapolis, IN 46204

Michael E. Kunz, Clerk  
2609 James A. Byrne  
U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1797

Michael N. Milby, Clerk  
P.O. Box 5059  
McAllen, TX 78502-5059

Norbert G. Jaworski, Clerk  
U.S. District Court  
P.O. Box 249  
E. St. Louis, IL 62202-0249

Patricia L. Brunc, Clerk  
~~2710 Charles Evans Whittaker~~  
~~U.S. Courthouse~~  
~~400 E. Ninth Street~~  
~~Kansas City, MO 64106~~

Perry D. Mathis, Clerk  
140 Hugo L. Black U.S.  
Courthouse  
1729 5th Avenue North  
Birmingham, AL 35203

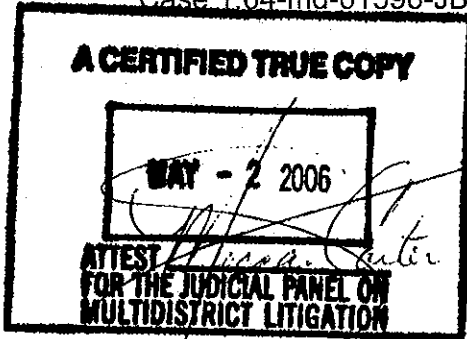
Richard Sletten, Clerk  
202 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Richard W. Wiekling, Clerk  
Phillip Burton U.S. Courthouse  
Box 36060  
450 Golden Gate Avenue  
San Francisco, CA 94102-3489

W. Samuel Hamrick, Jr., Clerk  
4290 Edward J. Schwartz Federal Building  
880 Front Street  
San Diego, CA 92101-8900

## **Exhibit B**

**Exhibit B**



JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

APR 14 2006

FILED  
CLERK'S OFFICE

DOCKET NO. 1596

*BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION*

*IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION*

*(SEE ATTACHED SCHEDULE)*

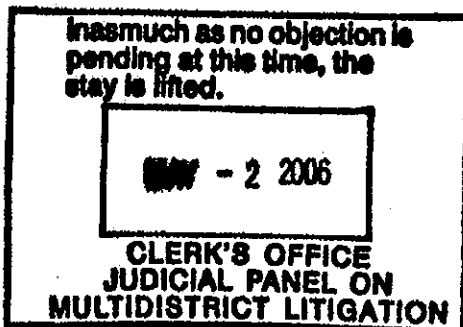
**CONDITIONAL TRANSFER ORDER (CTO-47)**

On April 14, 2004, the Panel transferred six civil actions to the United States District Court for the Eastern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 321 additional actions have been transferred to the Eastern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Jack B. Weinstein.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of New York and assigned to Judge Weinstein.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of New York for the reasons stated in the order of April 14, 2004, 314 F.Supp.2d 1380 (J.P.M.L. 2004), and, with the consent of that court, assigned to the Honorable Jack B. Weinstein.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of New York. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.



FOR THE PANEL:

*Michael J. Beck*  
Michael J. Beck  
Clerk of the Panel

**SCHEDULE CTO-47 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1596**  
**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

DIST. DIV. C.A. #

CASE CAPTION

ALABAMA NORTHERN

ALN 2 06-372 Precious Necale Fegans v. Eli Lilly & Co.  
ALN 2 06-373 Donald Scott v. Eli Lilly & Co.  
ALN 2 06-374 Mary Glover v. Eli Lilly & Co.  
ALN 2 06-430 Harold B. Henry v. Eli Lilly & Co.  
ALN 2 06-431 William Wayne Mathers, Jr. v. Eli Lilly & Co.  
~~ALN 2 06-536 Patricia Tracy v. Eli Lilly & Co., et al. Vacated 4/27/06~~  
~~ALN 3 06-535 Nathan Hubbard v. Eli Lilly & Co., et al. Opposed 4/24/06~~

CALIFORNIA NORTHERN

CAN 3 06-1353 Linda Amery, et al. v. Eli Lilly & Co.  
CAN 3 06-1355 Margaret Amaro, et al. v. Eli Lilly & Co.  
CAN 3 06-1369 Deronda Appleman, et al. v. Eli Lilly & Co.  
~~CAN 3 06-1811 Claudia Stempfen, et al. v. Eli Lilly & Co., et al. Opposed 5/2/06~~  
CAN 3 06-1938 Jack Lidikay, et al. v. Eli Lilly & Co., et al.

CALIFORNIA SOUTHERN

CAS 3 06-442 Tynesha Belcher, et al. v. Eli Lilly & Co.

ILLINOIS SOUTHERN

ILS 3 06-152 Daniel J. Lawler v. Eli Lilly & Co.

INDIANA SOUTHERN

INS 1 06-343 Sheryl Abbey v. Eli Lilly & Co.

MINNESOTA

MN 0 06-1100 Daniel Buchfink, et al. v. Eli Lilly & Co.

MISSOURI WESTERN

~~MOW 4 06-229 Don Stricklen v. Eli Lilly & Co., et al. Opposed 4/28/06~~

OHIO SOUTHERN

OHS 2 06-148 Christopher Kidd v. Eli Lilly & Co.

PENNSYLVANIA EASTERN

PAE 2 06-815 Andre Williams v. Eli Lilly & Co.  
PAE 2 06-936 Nick Nichols, et al. v. Eli Lilly & Co.  
PAE 2 06-937 Timothy Murphy v. Eli Lilly & Co.  
PAE 2 06-938 Louise Osman, et al. v. Eli Lilly & Co.  
PAE 2 06-940 Michael Hickmon v. Eli Lilly & Co.  
PAE 2 06-941 Selim Kibria v. Eli Lilly & Co.  
PAE 2 06-942 Janine Schaefer v. Eli Lilly & Co.  
PAE 2 06-943 Denise Berry Horan v. Eli Lilly & Co.

TEXAS EASTERN

TXE 2 06-76 Zane Barker, et al. v. Eli Lilly & Co.  
TXE 5 06-46 Jason Allen, et al. v. Eli Lilly & Co.

TEXAS SOUTHERN

TXS 7 06-61 Carol Lynn Jenkins, et al. v. Eli Lilly & Co.

VIRGINIA EASTERN

VAE 2 06-137 Alice C. Carey, etc. v. Eli Lilly & Co.